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May 31, 2023

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001, 03-md-1570 (GBD) (SN)*

Dear Judge Netburn:

As directed by the Court’s order by memorandum endorsement of April 4, 2023, ECF No. 8982, I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) to bring the Court up to date on the status of the parties’ efforts to propose redactions in accordance with the Court’s November 24, 2020 order, ECF No. 6541. The Plaintiffs’ Executive Committees (“Plaintiffs” or “PECs”), the Federal Bureau of Investigation (“FBI”), and Defendant Dallah Avco all join in this letter.

On April 10, 2023, Saudi Arabia circulated proposed redactions to the FBI for two of its expert reports. On May 25, Saudi Arabia updated proposed redactions to its other expert report based on the FBI’s responses and posed several follow-up questions to the FBI. Once the FBI’s review is complete, Saudi Arabia will share with Plaintiffs copies of its expert reports with FBI-approved redactions. Plaintiffs have also agreed to share with Saudi Arabia copies of their reports with FBI-approved redactions. On May 31, Saudi Arabia responded to Plaintiffs’ proposal to remove certain redactions from prior orders.

Plaintiffs previously proposed removing redactions from several prior motion sequences and Orders in light of Executive Order 14040. Separate from the scope of review ordered under ECF No. 6541, the parties are completing their review of expert reports. Plaintiffs have submitted and the FBI has reviewed and approved of redactions to the following 6 expert reports: Yousef, Nakhleh, Hitchens, Dunham, Simon, and Schiff. Regarding Kohlmann’s expert report, the FBI has advised of the redactions needed, and Plaintiffs have agreed to the proposal and intend to make the redactions for the FBI’s final approval.

FBI has prioritized review of the parties’ expert reports, in anticipation of the parties’ filing of Daubert motions. Since the last status report, FBI has been reviewing proposed redactions to Saudi Arabia’s expert reports. FBI completed review of the Sageman report, which

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

The Honorable Sarah Netburn  
May 31, 2023  
Page 2

was over 700 pages, on April 26, and completed review of the Rundell and Moss reports on April 28. FBI is currently reviewing certain questions posed by Saudi Arabia with regard to the redactions to the Sageman report, and expects to respond to those questions by the end of this week. Pursuant to the protocol that the parties and the FBI proposed to the Court (ECF No. 9104), FBI expects to receive the parties' proposed redactions to the Daubert motion papers on or about June 12, at which time the FBI will commence review of those filings. FBI has agreed to complete review of the briefs within 30 days and the remaining papers within 90 days.

Dallah Avco continues to take no position on the parties' proposed redactions.

Given the priority accorded to the Daubert motions and anticipated motions to dismiss (*see* ECF No. 8923 at 3), and the parties' submission of a proposed protocol for confidentiality review of those filings, the parties respectfully request leave to stay the requirement to file further status reports regarding redactions to prior sealed filings until the completion of the confidentiality review of the Daubert motions and motions to dismiss.

Respectfully submitted,

/s/ *Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: All MDL Counsel of Record (via ECF)